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WESTERN DISTRICT OF WASHINGTON
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GIA L. LAWS,

Plaintiff,

vs.

The CITY OF Seattle, a municipal corporation;
and JOHN DOE Seattle POLICE OFFICERS
1-5, and KING COUNTY, a municipal
corporation,

Defendants.

No.

C09-0033 *rk*

**COMPLAINT FOR ASSAULT AND
BATTERY, OUTRAGEOUS
CONDUCT, USE OF EXCESSIVE
FORCE, INTENTIONAL
INFLICTION OF EMOTIONAL
DISTRESS, AND NEGLIGENCE**

JURY DEMAND



Plaintiff Gia L. Laws alleges as follows:

09-CV-00033-CMP

I. JURISDICTION AND VENUE

1. This action is brought pursuant to 42 U.S.C. § 1983 for violations of the Fourth and Fourteenth Amendments to the United States Constitution and various state common law claims. Jurisdiction is conferred upon this Court by 28 U.S.C. § 1343 *et seq.*

COMPLAINT FOR ASSAULT AND BATTERY, OUTRAGEOUS
CONDUCT, USE OF EXCESSIVE FORCE, INTENTIONAL INFLECTION
OF EMOTIONAL DISTRESS, AND NEGLIGENCE
Page 1 of 8

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ORIGINAL

Sum. ISS. SEA 23080

2. There exists a common nucleus of operative facts as to plaintiff's state and federal claims. As a consequence, this Court has pendent jurisdiction over the state claims pursuant to 28 U.S.C. § 1367.

3. Venue in the captioned District Court pursuant to 28 U.S.C. § 1391 stems from the fact that the events or omissions giving rise to the claims occurred in the judicial district of the captioned District Court.

4. The events and actions complained of occurred in King County, Washington, within the jurisdiction of this Court.

II. PARTIES

5. Plaintiff Gia L. Laws is a resident of King County, Washington.

6. Defendant City of Seattle is a governmental entity with the right to sue and be sued in its own name and stead.

7. Defendant King County is a governmental entity with the right to sue and be sued in its own name and stead.

8. Pursuant to RCW Chapter 4.96, plaintiff has served defendant City of Seattle with a claim for damages, which complies with the requirements of RCW Chapter 4.96. More than 60 days have elapsed since the claims for damages were served on defendant City of Seattle.

9. Pursuant to RCW 4.96, plaintiff has served defendant King County with a claim for damages, which complies with the requirements of RCW 4.96. More than 60 days have elapsed since the claims for damages were served on defendant King County.

10. Defendant City of Seattle Police Officers 1-5 were employed by defendant City of Seattle as police officers and at all times material were acting within the scope of their employment. Upon discovery of their identities, the same will be substituted herein.

III. BACKGROUND FACTS

11. On April 3, 2008, plaintiff boarded a bus on 3rd Avenue and James Street. All the seats on the bus were occupied. After plaintiff boarded the bus, another female passenger boarded the bus, brandishing a knife.

12. At that time, the metro driver was alerted by other passengers that one of the passengers had a knife. Despite standard procedures, the driver proceeded to drive up the hill on James.

13. An Asian gentleman offered the knife-wielding passenger a seat. She put her finger in his face. Another gentleman said, "He was just offering you a seat." The knife-wielding passenger said, "Shut up!"

14. Plaintiff asked the knife-wielding passenger if she could get by her. The assailant turned towards plaintiff with the knife in her right hand, and with her left hand pushed plaintiff on her left shoulder and pointed the knife at her abdomen. Plaintiff was 6 months pregnant at the time. Another female passenger screamed, "She has a knife!"

15. The assailant continued to point the knife at plaintiff's abdomen. Another male passenger screamed at the assailant, taking her attention away from plaintiff.

16. Plaintiff pushed assailant out of the way and ran to the front of the bus, telling the bus driver, "She has a knife!" She repeated this to the bus driver several times and told him that the assailant had pointed the knife at her abdomen.

- 1 17. When the bus arrived at 5th & James, the bus driver stopped the bus and opened the
2 doors. Suddenly plaintiff felt herself being dragged forcefully backwards by the arm
3 and down the steps and off of the bus. It was only then she realized she was being
4 dragged off the bus by defendant police officer John Doe 1.
- 5 18. Plaintiff was relieved to see the police at first, but then realized the police had mistaken
6 her for the assailant. Plaintiff told the police officer, "She has a knife, she has a knife."
- 7 19. The bus driver told the police officer, "Get her off my bus," without saying who.
- 8 20. Plaintiff continued to try to tell the police officer that she was not the assailant. She
9 stated, "I'm not the one, I'm 6 months pregnant. She had the knife to me." The police
10 officer told her, "Shut up." Plaintiff responded, "You shut up."
- 11 21. Once off the bus, the police officer John Doe 1, who dragged plaintiff off the bus,
12 proceeded to shove her against the wall of the justice building at 5th & James. He
13 grabbed plaintiff's right wrist and pulled her further down, causing plaintiff to lose her
14 balance and fall forcefully to the concrete. Plaintiff suffered abrasions to her knees and
15 to her abdomen with the force of the fall.
- 16 22. The police officer John Doe 1 told plaintiff, "You're under arrest." Plaintiff asked why
17 she was under arrest. The officer responded by telling plaintiff, "Get the fuck up!"
18 Plaintiff told the officer, "I'm not moving, I'm hurt." Plaintiff asked the officer to call
19 for an ambulance.
- 20 23. Two female passengers jumped off the bus and told the police officer, "She is not the
21 one. The other lady is still on the bus."
- 22

- 1 24. Police officers removed the assailant from the bus and sat her down on the concrete
2 against the wall near to plaintiff. The police officers did not handcuff the assailant.
- 3 25. A fire truck arrived with paramedics who attended to plaintiff's bleeding knee.
4 Plaintiff was terrified and was crying. Paramedics administered oxygen to plaintiff and
5 bandaged her knee.
- 6 26. Police officers continued to talk to assailant but did not handcuff her. A police sergeant
7 arrived, and stated "Oh, it's her," (indicating assailant). The sergeant approached
8 plaintiff and asked her what happened. Plaintiff stated that she had been assaulted on
9 the bus and then dragged forcefully off the bus by a police officer when he assumed
10 plaintiff was the assailant. Plaintiff stated she had been dragged to the ground by the
11 police officer and injured when she lost her balance and fell to the concrete. Plaintiff
12 filled out a piece of paper about the incident as requested by the sergeant.
- 13 27. Another police officer told the sergeant that plaintiff was under arrest. The sergeant
14 stated, "Oh, I never met you before." Plaintiff stated, "No, you haven't. Because I'm
15 not a troublemaker. I'm not out here causing problems."
- 16 28. Police released plaintiff. Plaintiff became lightheaded and felt hot. She became
17 concerned for the safety of her pregnancy and decided to go to Swedish Hospital.
18 Plaintiff boarded another bus and proceeded to Swedish Hospital.
- 19 29. At Swedish Hospital, plaintiff was found to have elevated blood pressure and was
20 placed on fetal heart monitoring. Plaintiff was released from the hospital with
21 instructions to follow-up with her private physician as soon as possible. Plaintiff went
22 in to see Dr. James Walsh, her private physician, as well as back to the hospital at

1 Overlake, several times in the next few days due to pain. Plaintiff was found to have
2 right shoulder and wrist injuries, as well as a right knee abrasion, due to the incident.

3 **IV. CLAIMS AND CAUSES OF ACTION**

4 **A. VIOLATION OF 42 U.S.C. § 1983**

5 30. Plaintiff realleges each and every allegation in the preceding paragraphs as though fully
6 set forth here.

7 31. Defendant police officer John Doe 1 violated plaintiff's civil rights under the Fourth
8 and Fourteenth Amendments to the United States Constitution.

9 32. As a result of defendant police officer John Doe 1's violation of 42 U.S.C. § 1983
10 plaintiff suffered injuries.

11 **B. ASSAULT AND BATTERY**

12 33. Plaintiff realleges each and ever allegation in the preceding paragraphs as though fully
13 set forth here.

14 34. The actions of defendant police officer John Doe 1 constituted assault and battery.

15 **C. OUTRAGE**

16 35. Plaintiff realleges each and every allegation in the preceding paragraphs as though fully
17 set forth here.

18 36. Defendant police officer John Doe 1's conduct was extreme and outrageous.

19 37. Defendant police officer John Doe 1 intentionally or recklessly inflicted emotional
20 distress upon plaintiff.

21 38. As a result of defendant police officer John Doe 1's tortious conduct, plaintiffs suffered
22 severe emotional distress.

D. NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

39. Plaintiff realleges each and every allegation in the preceding paragraphs as though fully set forth here.

40. Defendants had a duty to deal with plaintiffs in a careful and professional manner so that they would not be harmed.

41. Defendants breached their duty.

42. As a result of defendants' tortious conduct, plaintiff suffered emotional distress.

E. NEGLIGENCE

43. Plaintiff realleges each and every allegation in the preceding paragraphs as though fully set forth here.

44. Defendant King County's bus driver was negligent in failing to follow proper procedure when he had knowledge that there was a dangerous person with a knife on this bus.

45. As a result of the tortious conduct of defendants, plaintiff suffered damages.

V. REQUEST FOR RELIEF

Plaintiff requests that the court enter judgment against each of the defendants as follows:

a. Awarding plaintiff special damages, in an amount to be proven at trial – medical expenses.

b. Awarding plaintiff general damages, in an amount to be proven at trial, including, but not limited to, pain and suffering and loss of enjoyment of life.

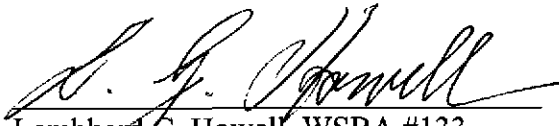
1 c. Awarding plaintiff costs and attorneys' fees incurred in this action pursuant to her
2 claim under 42 U.S.C. § 1983, pursuant to 42 U.S.C. § 1988, against defendant police officer
3 John Doe 1.

4 d. Awarding plaintiff punitive damages against defendant police officer John Doe 1.

5 e. Such additional relief which the court finds equitable and just.

6
7 DATED this 8th day of January, 2009.

8 Law Offices of Lembhard G. Howell, P.S.

9
10 
11 Lembhard G. Howell, WSBA #133
12 Attorney for Plaintiff